
HOUSE BILL 2823

State of Washington 64th Legislature 2016 Regular Session

By Representatives Parker, Riccelli, Manweller, and Bergquist

Read first time 01/21/16. Referred to Committee on Education.

1 AN ACT Relating to creating a program to provide students and the
2 community with the means to report anonymously concerning unsafe or
3 violent activities, or the threat of these activities; reenacting and
4 amending RCW 42.56.240; adding a new section to chapter 28A.300 RCW;
5 adding a new section to chapter 28A.320 RCW; creating a new section;
6 and prescribing penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that violence in
9 schools is a serious concern. The legislature intends to limit
10 violence in schools by providing students and the community with a
11 mechanism to report anonymously information about potentially
12 dangerous situations.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
14 RCW to read as follows:

15 (1) The students protecting students program is established
16 within the office of the superintendent of public instruction. The
17 primary purpose of the program is to provide students and the
18 community with the means to relay information anonymously concerning
19 unsafe, potentially harmful, dangerous, violent, or criminal
20 activities, or the threat of these activities, to school officials

1 or, if necessary, appropriate law enforcement or public safety
2 agencies.

3 (2) The students protecting students program must:

4 (a) Establish and maintain methods of anonymous reporting
5 concerning unsafe, potentially harmful, dangerous, violent, or
6 criminal activities, or the threat of these activities, where
7 reporting can be accomplished by, at a minimum, phone, text message,
8 and email;

9 (b) Establish methods and procedures to ensure that the identity
10 of the reporting party remains unknown to persons and entities,
11 including employees or persons operating the program, law enforcement
12 officers, public safety officers, and school officials;

13 (c) Establish methods and procedures so that information obtained
14 from a reporting party who voluntarily discloses his or her identity
15 and verifies that he or she is willing to be identified may be shared
16 with employees or persons operating the program, law enforcement
17 officers, public safety officers, and school officials;

18 (d) Establish methods and procedures to ensure that the identity
19 of a reporting party who becomes known through any means other than
20 voluntary disclosure is not further disclosed; and

21 (e) Promptly forward information received by the program to the
22 relevant building principal, or alternate school official. However,
23 if the information received is deemed to be immediately actionable,
24 then also forward the information to the appropriate local law
25 enforcement officers and public safety officers.

26 (3)(a) The students protecting students program and employees or
27 persons operating the program must not be compelled to produce any
28 material except on the motion of a criminal defendant to the court in
29 which the offense is being tried, supported by an affidavit
30 establishing that the material contains impeachment evidence or
31 evidence that is exculpatory to the defendant in the trial of that
32 offense.

33 (b) If the defendant's motion is granted, the court shall conduct
34 an ex parte in camera review of material produced under the
35 defendant's subpoena.

36 (c) If the court determines that the produced material contains
37 impeachment evidence or evidence that is exculpatory to the
38 defendant, the court shall order the material be produced to the
39 defendant pursuant to a protective order that includes the redaction
40 of the reporting party's identity and limitations on the use of the

1 material, as needed, unless contrary to state or federal law.
2 Material excised pursuant to a judicial order following the in camera
3 review must be sealed and preserved in the records of the court, to
4 be made available to the appellate court in the event of an appeal.
5 After the time for appeal has expired, the court must return the
6 material to the students protecting students program.

7 (4)(a) Material created or obtained through the implementation or
8 operation of the students protecting students program is confidential
9 and must not be disclosed. The students protecting students program
10 and employees or persons operating the program may be compelled to
11 produce material only before a court or other tribunal and only
12 pursuant to court order for an in camera review. An in camera review
13 must be limited to an inspection of material that is material to the
14 specific case pending before the court. The attorney general acting
15 on behalf of the students protecting students program has standing in
16 an action to oppose the disclosure of material in the custody of the
17 program.

18 (b) A person who knowingly discloses material in violation of the
19 provisions of this section commits a misdemeanor punishable under
20 chapter 9A.20 RCW.

21 (5) The definitions in this subsection apply throughout this
22 section unless the context clearly requires otherwise.

23 (a) "In camera" means a confidential review by the judge alone in
24 his or her chambers.

25 (b) "Material" means a record, report, claim, writing, document,
26 information anonymously reported, or information related to the
27 source of the material.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320
29 RCW to read as follows:

30 (1) Every school year, beginning in the 2016-17 school year,
31 there must be made available to all students in each common school as
32 defined in RCW 28A.150.020 at least one age-appropriate educational
33 program, class, or activity designed to teach students about the
34 students protecting students program established in section 2 of this
35 act. Such a program, class, or activity must include information
36 about how to report anonymously concerning unsafe, potentially
37 harmful, dangerous, violent, or criminal activities, or the threat of
38 these activities, to appropriate law enforcement agencies, public
39 safety agencies, and school officials.

1 (2) Beginning in the 2016-17 school year, schools and school
2 districts must disseminate information about the students protecting
3 students program established in section 2 of this act, including the
4 contact information for anonymous reporting, through any normal means
5 of existing communication to students and families.

6 **Sec. 4.** RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 s 1 are
7 each reenacted and amended to read as follows:

8 The following investigative, law enforcement, and crime victim
9 information is exempt from public inspection and copying under this
10 chapter:

11 (1) Specific intelligence information and specific investigative
12 records compiled by investigative, law enforcement, and penology
13 agencies, and state agencies vested with the responsibility to
14 discipline members of any profession, the nondisclosure of which is
15 essential to effective law enforcement or for the protection of any
16 person's right to privacy;

17 (2) Information revealing the identity of persons who are
18 witnesses to or victims of crime or who file complaints with
19 investigative, law enforcement, or penology agencies, other than the
20 commission, if disclosure would endanger any person's life, physical
21 safety, or property. If at the time a complaint is filed the
22 complainant, victim, or witness indicates a desire for disclosure or
23 nondisclosure, such desire shall govern. However, all complaints
24 filed with the commission about any elected official or candidate for
25 public office must be made in writing and signed by the complainant
26 under oath;

27 (3) Any records of investigative reports prepared by any state,
28 county, municipal, or other law enforcement agency pertaining to sex
29 offenses contained in chapter 9A.44 RCW or sexually violent offenses
30 as defined in RCW 71.09.020, which have been transferred to the
31 Washington association of sheriffs and police chiefs for permanent
32 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

33 (4) License applications under RCW 9.41.070; copies of license
34 applications or information on the applications may be released to
35 law enforcement or corrections agencies;

36 (5) Information revealing the identity of child victims of sexual
37 assault who are under age eighteen. Identifying information means the
38 child victim's name, address, location, photograph, and in cases in
39 which the child victim is a relative or stepchild of the alleged

1 perpetrator, identification of the relationship between the child and
2 the alleged perpetrator;

3 (6) Information contained in a local or regionally maintained
4 gang database as well as the statewide gang database referenced in
5 RCW 43.43.762;

6 (7) Data from the electronic sales tracking system established in
7 RCW 69.43.165;

8 (8) Information submitted to the statewide unified sex offender
9 notification and registration program under RCW 36.28A.040(6) by a
10 person for the purpose of receiving notification regarding a
11 registered sex offender, including the person's name, residential
12 address, and email address;

13 (9) Personally identifying information collected by law
14 enforcement agencies pursuant to local security alarm system programs
15 and vacation crime watch programs. Nothing in this subsection shall
16 be interpreted so as to prohibit the legal owner of a residence or
17 business from accessing information regarding his or her residence or
18 business;

19 (10) The felony firearm offense conviction database of felony
20 firearm offenders established in RCW 43.43.822;

21 (11) The identity of a state employee or officer who has in good
22 faith filed a complaint with an ethics board, as provided in RCW
23 42.52.410, or who has in good faith reported improper governmental
24 action, as defined in RCW 42.40.020, to the auditor or other public
25 official, as defined in RCW 42.40.020;

26 (12) The following security threat group information collected
27 and maintained by the department of corrections pursuant to RCW
28 72.09.745: (a) Information that could lead to the identification of a
29 person's security threat group status, affiliation, or activities;
30 (b) information that reveals specific security threats associated
31 with the operation and activities of security threat groups; and (c)
32 information that identifies the number of security threat group
33 members, affiliates, or associates; (~~and~~)

34 (13) The global positioning system data that would indicate the
35 location of the residence of an employee or worker of a criminal
36 justice agency as defined in RCW 10.97.030; and

37 (14) Material, as defined in section 2 of this act, received,
38 made, or kept by, or received from, the students protecting students

1 program established in section 2 of this act, that is confidential
2 under section 2(4) of this act.

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